

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

JAELYN JEWELL,

Plaintiff,

vs.

SUNSHINE TOWING, LLC,

Defendant.

5:24-CV-05011-CCT

ORDER

On February 14, 2024, plaintiff Jaelyn Jewell filed a complaint asserting diversity jurisdiction regarding a personal property claim against defendant Sunshine Towing, LLC. Docket 1. On September 12, 2024, Josh Stoltenberg, appearing pro se on behalf of defendant Sunshine Towing, LLC, filed an answer on behalf of Sunshine Towing, LLC. Docket 12.

“As a general matter of federal law, an individual proceeding in federal court has the right to present his case” *Supreme Pro Clean LLC v. Lowry*, No. CIV. 16-5117-JLV, 2017 WL 3209450, at *1 (D.S.D. Feb. 14, 2017) (quoting *Leftridge v. Connecticut State Trooper Officer No. 1283*, 640 F.3d 62, 67 (2d Cir. 2011) (referencing 28 U.S.C. § 1654)). However, “a non-attorney . . . may not engage in the practice of law on behalf of others.” *Id.* (quoting *Jones ex rel. Jones v. Corr. Med. Servs., Inc.*, 401 F.3d 950, 952 (8th Cir. 2005)). Further, “[i]t has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel.” *Rowland v.*

Cal. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201–02 (1993). “[S]ave in a few aberrant cases, the lower courts have uniformly held that 28 U.S.C. § 1654 . . . does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.” *Id.* at 202.

Therefore, “[t]he United States Court of Appeals for the Eighth Circuit has consistently held that a non-lawyer may not represent a corporation in federal court.” *Supreme Pro Clean LLC*, No. CIV. 16-5117-JLV, 2017 WL 3209450, at *2 (quoting *Steele v. City of Bemidji*, 257 F.3d 902, 905 (8th Cir. 2001)). See also *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007) (“[A] layperson may not represent a separate legal entity such as a corporation.”); *United States v. 9.19 Acres of Land*, 416 F.2d 1244, 1245 (6th Cir. 1969) (“28 U.S.C. § 1654 (1964), which provides that ‘parties may plead and conduct their own cases personally or by counsel . . .’ has been uniformly construed to mean that a corporation cannot appear otherwise than through an attorney.”).

Sunshine Towing, LLC, as a limited liability company, is currently unrepresented in this action. If Sunshine Towing, LLC seeks the assistance of counsel, it is free to retain the services of an attorney licensed to practice in South Dakota federal district court. Sunshine Towing, LLC is not permitted to appear *pro se*.

Accordingly, it is hereby

ORDERED that defendant shall file an answer through licensed counsel on or before **November 1, 2024**.

Dated September 18, 2024.

BY THE COURT:

/s/ *Camela C. Theeler*

CAMELA C. THEELER
UNITED STATES DISTRICT JUDGE